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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,374	09/26/2003	Andy Aaron	YOR920030202US1 (8728-626)	8515

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F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,374

Applicant(s)

AARON ET AL.

Examiner

Angela A. Armstrong

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-8, 10-12, 17-18, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Lumelsky (US Patent No. 6,081,780).

Lumelsky discloses a text-to-speech and prosody based authoring system, which includes a speech analyzer responsive to a spoken utterance. The speech analyzer generates a speech signal representative of one or more prosodic parameters associated with a speaker. A text-to-speech converter, responsive to a text signal generates a phonetic representation signal from the text signal and synthesizes a speech signal from the text signal.

Regarding claim 1, Lumelsky discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for speech synthesis, the method steps comprising: determining prosodic parameters of a spoken utterance; automatically generating a marked-up text corresponding to the spoken utterance using the prosodic parameters; and generating a synthetic waveform using the mark-up text (col. 8, line 52 continuing to col. 17, line 16).

Regarding claim 2, Lumelsky discloses the instructions for determining prosodic parameters comprise instructions for determining pitch contour, duration contour or energy

contour information of the spoken utterance, or any combination thereof (col. 8, line 52 continuing to col. 17, line 16).

Regarding claim 7, Lumelsky discloses instructions for automatically generating a marked-up text comprises instructions for directly specifying the prosodic parameters as attribute values for mark-up elements (col. 8, line 52 continuing to col. 17, line 16).

Regarding claim 8, Lumelsky discloses instructions for automatically generating a marked-up text comprises instructions for assigning abstract labels to the prosodic parameters to generate a high-level mark-up (col. 8, line 52 continuing to col. 17, line 16).

Regarding claim 10, Lumelsky discloses processing phonetic content of the spoken utterance to generate the synthetic waveform having a desired pronunciation (col. 8, line 52 continuing to col. 17, line 16).

Regarding claims 11-12, 17-18, and 20-23; claims 11-12, 17-18 and 20-23 are methods and system claims similar in scope and content to program claims 1-2, 7-8 and 10, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6, 9, 13-16, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumelsky in view of Applicant's Admitted Prior Art (AAPA).

Regarding claims 3-6, 13-16 and 24, Lumelsky does not specifically teach an alignment process for aligning the spoken utterance with a corresponding text string. However, aligning a spoken utterance with a corresponding text string was well known in the art. Applicant's admitted prior art (AAPA) specifically indicates implementation of Viterbi alignment was well known in the art. It would have been obvious to one of ordinary skill at the time of the invention to implement alignment processing in the system of Lumelsky, for the purpose of providing improved marked text with appropriate prosodic information so as to generate more natural and realistic synthetic speech.

Regarding claims 9 and 19, Lumelsky does not specifically teach the marked-up text is generated using SSML (speech synthesis markup language). AAPA specifically indicates implementation of SSML for use on the Internet was known. It would have been obvious to one of ordinary skill at the time of the invention to implement SSML in the system of Lumelsky, for the purpose of providing high quality synthetic speech for use with Internet applications and resources.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Addison et al (US Patent No. 6,865,533).

Silverman (US Patent No. 5,652,828).

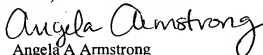
Kochanski et al (US Patent No. 6,810,378).

Socher et al (US Patent No. 6,446,040).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Angela A. Armstrong
Primary Examiner
Art Unit 2626

AAA
June 18, 2007